General Assembly

Distr.: General
31 March 2010

Sixty-fourth session
Agenda item 53 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Second Committee (A/64/420/Add.1)*]

64/236. Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development

The General Assembly,

Recalling its resolutions 55/199 of 20 December 2000, 56/226 of 24 December 2001, 57/253 of 20 December 2002, 57/270 A and B of 20 December 2002 and 23 June 2003, respectively, 62/189 of 19 December 2007 and 63/212 of 19 December 2008, and all other previous resolutions on the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development,

Recalling also the Rio Declaration on Environment and Development,[1] Agenda 21,[2] the Programme for the Further Implementation of Agenda 21,[3] the Johannesburg Declaration on Sustainable Development[4] and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[5] as well as the Monterrey Consensus of the International Conference on Financing for Development[6] and the Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus,[7]

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[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

[2] Ibid., annex II.

[3] Resolution S-19/2, annex.

[4] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

[5] Ibid., resolution 2, annex.

[6] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[7] Resolution 63/239, annex.

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Recalling further the Programme of Action for the Sustainable Development of Small Island Developing States,[8] the Declaration and state of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,[9] and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States,[10]

Reaffirming the commitment to implement Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Plan of Implementation, including the time-bound goals and targets, and the other internationally agreed development goals, including the Millennium Development Goals,

Recalling the 2005 World Summit Outcome,[11]

Reaffirming the decisions taken at the eleventh session of the Commission on Sustainable Development,[12]

Recalling the adoption by the Commission of a multi-year programme of work[12] designed to contribute to advancing the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation at all levels,

Recalling also the decision taken by the Commission at its eleventh session that in review years it should discuss the contribution of partnerships towards supporting the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation with a view to sharing lessons learned and best practices, identifying and addressing problems, gaps and constraints and providing further guidance, including on reporting, during policy years, as necessary,[13]

Reiterating that sustainable development in its economic, social and environmental aspects is a key element of the overarching framework for United Nations activities, and reaffirming the continuing need to ensure a balance among economic development, social development and environmental protection as interdependent and mutually reinforcing pillars of sustainable development,

Noting that challenges remain in achieving the goals of the three pillars of sustainable development, particularly in the context of the current global crises,

Taking note with appreciation of the offer of the Government of Brazil to host a United Nations conference on sustainable development in 2012,

Reaffirming that eradicating poverty, changing unsustainable patterns of production and consumption and protecting and managing the natural resource base of economic and social development are overarching objectives of and essential requirements for sustainable development,

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[8] *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April–6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I, resolution 1, annex II.

[9] Resolution S-22/2, annex.

[10] *Report of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, Port Louis, Mauritius, 10–14 January 2005* (United Nations publication, Sales No. E.05.II.A.4 and corrigendum), chap. I, resolution 1, annex II.

[11] See resolution 60/1.

[12] See *Official Records of the Economic and Social Council, 2003, Supplement No. 9* (E/2003/29), chap. I.

[13] Ibid., draft resolution I, para. 23 (*e*).

Recognizing that good governance within each country and at the international level is essential for sustainable development,

Recalling that the Johannesburg Plan of Implementation designated the Commission to serve as the focal point for discussion on partnerships that promote sustainable development and contribute to the implementation of intergovernmental commitments in Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation,

Recognizing that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and that although each country has the primary responsibility for its own sustainable development and poverty eradication and the role of national policies and development strategies cannot be overemphasized, concerted and concrete measures are required at all levels to enable developing countries to achieve their sustainable development goals as related to the internationally agreed poverty-related targets and goals, including those contained in Agenda 21, the relevant outcomes of other United Nations conferences and the United Nations Millennium Declaration,[14]

Recalling that the Economic and Social Council should increase its role in overseeing system-wide coordination and the balanced integration of economic, social and environmental aspects of United Nations policies and programmes aimed at promoting sustainable development, and reaffirming that the Commission should continue to be the high-level commission on sustainable development within the United Nations system and serve as a forum for consideration of issues related to the integration of the three dimensions of sustainable development,

Welcoming the outcome of the seventeenth session of the Commission on the thematic issues of agriculture, rural development, land, drought, desertification and Africa,[15]

Recalling that the themes of the eighteenth and nineteenth sessions of the Commission, namely, transport, chemicals, waste management, mining and a ten-year framework of programmes on sustainable consumption and production patternsare interlinked and should be addressed in an integrated manner, taking into account the economic, social and environmental dimensions of sustainable development, related sectoral policies and cross-cutting issues, including means of implementation, as identified at the eleventh session of the Commission,

Reiterating that fundamental changes in the way societies produce and consume are indispensable for achieving global sustainable development and that all countries should promote sustainable consumption and production patterns, with the developed countries taking the lead and with all countries benefiting from the process, taking into account the Rio principles,1 including the principle of common but differentiated responsibilities as set out in paragraph 7 of the Rio Declaration on Environment and Development, and also reiterating that Governments, relevant international organizations, the private sector and all major groups should play an active role in changing unsustainable consumption and production patterns,

[14] See resolution 55/2.

[15] See *Official Records of the Economic and Social Council, 2009, Supplement No. 9* (E/2009/29), chap. I, resolution 17/1.

1. *Takes note* of the report of the Secretary-General;[16]

2. *Reiterates* that sustainable development is a key element of the overarching framework for United Nations activities, in particular for achieving the internationally agreed development goals, including the Millennium Development Goals, and those contained in the Johannesburg Plan of Implementation;[5]

3. *Calls upon* Governments, all relevant international and regional organizations, the Economic and Social Council, the United Nations funds and programmes, the regional commissions and specialized agencies, the international financial institutions, the Global Environment Facility and other intergovernmental organizations, in accordance with their respective mandates, as well as major groups, to take action to ensure the effective implementation of and follow-up to the commitments, programmes and time-bound targets adopted at the World Summit on Sustainable Development, and encourages them to report on concrete progress in that regard;

4. *Calls for* the effective implementation of the commitments, programmes and time-bound targets adopted at the World Summit on Sustainable Development and for the fulfilment of the provisions relating to the means of implementation, as contained in the Johannesburg Plan of Implementation;

5. *Reiterates* that the Commission on Sustainable Development is the high-level body responsible for sustainable development within the United Nations system and serves as a forum for the consideration of issues related to the integration of the three dimensions of sustainable development, and underlines the need to further support the work of the Commission, taking into account its existing mandate and the decisions taken at its eleventh session;

6. *Encourages* countries to present, on a voluntary basis, in particular at the Commission's review sessions, national reports focusing on concrete progress in implementation, including achievements, constraints, challenges and opportunities;

7. *Emphasizes* the importance of a consensus outcome and action-oriented policy sessions;

8. *Encourages* Governments to participate at the appropriate level, in the eighteenth session of the Commission, with representatives, including ministers, from the relevant departments and organizations working in the areas of transport, chemicals, waste management, mining and sustainable consumption and production, as well as finance;

9. *Recalls* the decision of the Commission at its eleventh session that activities during Commission meetings should provide for the balanced involvement of participants from all regions, as well as for gender balance;[17]

10. *Invites* donor countries to consider supporting the participation of representatives from the developing countries in the eighteenth session of the Commission, inter alia, through contributions to the Commission's trust fund;

11. *Reaffirms* the objective of strengthening the implementation of Agenda 21,[2] including through the mobilization of financial and technological

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[16] A/64/275.

[17] See *Official Records of the Economic and Social Council, 2003, Supplement No. 9* (E/2003/29), chap. I, sect. A, draft resolution I, para. 2 (*f*).

resources, as well as capacity-building programmes, in particular for developing countries;

12. *Also reaffirms* the objective of enhancing the participation and effective involvement of civil society and other relevant stakeholders, as well as promoting transparency and broad public participation, in the implementation of Agenda 21;

13. *Requests* the secretariat of the Commission to coordinate the participation of the relevant major groups in the thematic discussions at the eighteenth session of the Commission and the reporting on the fulfilment of corporate responsibility and accountability with respect to the thematic cluster of issues, in accordance with the provisions of the Johannesburg Plan of Implementation;

14. *Reaffirms* the need to promote corporate social responsibility and accountability as envisaged by the Johannesburg Plan of Implementation;

15. *Requests* the secretariat of the Commission to make arrangements to facilitate the balanced representation of major groups from developed and developing countries in the sessions of the Commission, and in this regard invites donor countries to consider supporting the participation of major groups from developing countries, inter alia, through contributions to the Commission's trust fund;

16. *Encourages* contributions by the regional implementation meetings and other regional events to the Commission at its eighteenth session;

17. *Reiterates its invitation* to the relevant United Nations funds and programmes, the regional commissions and specialized agencies, the international and regional financial and trade institutions and the Global Environment Facility, as well as the secretariats of the multilateral environmental agreements and other relevant bodies, to actively participate, within their mandates, in the work of the Commission at its eighteenth session;

18. *Encourages* Governments and organizations at all levels, as well as major groups, to undertake results-oriented initiatives and activities to support the work of the Commission and to promote and facilitate the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21[5] and the Johannesburg Plan of Implementation, including through voluntary multi-stakeholder partnership initiatives;

19. *Requests* the Secretary-General, in reporting to the Commission at its eighteenth session, on the basis of appropriate inputs from all levels, to submit a thematic report on each of the five issues contained in the thematic cluster to be considered at the session, namely, transport, chemicals, waste management, mining and a ten-year framework of programmes on sustainable consumption and production patterns, taking into account their interlinkages as well as cross-cutting issues, including means of implementation identified by the Commission at its eleventh session, and takes into account the relevant provisions of paragraphs 10, 14 and 15 of draft resolution I adopted by the Commission at its eleventh session;[12]

20. *Decides* to organize, in 2012, the United Nations Conference on Sustainable Development at the highest possible level, including Heads of State and Government or other representatives, in this regard accepts with gratitude the generous offer of the Government of Brazil to host the Conference, and decides that:

(*a*) The objective of the Conference will be to secure renewed political commitment for sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges. The focus of

the Conference will include the following themes to be discussed and refined during the preparatory process: a green economy in the context of sustainable development and poverty eradication and the institutional framework for sustainable development;

(*b*) The Conference will result in a focused political document;

(*c*) The Conference and its preparatory process should take into account the decision taken at the eleventh session of the Commission to carry out, at the conclusion of the multi-year programme of work, an overall appraisal of the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the Johannesburg Plan of Implementation;

(*d*) The Conference, including its preparatory process, should ensure the balanced integration of economic development, social development and environmental protection, as these are interdependent and mutually reinforcing components of sustainable development;

(*e*) It is important that there be efficient and effective preparations at the local, national, regional and international levels by Governments and the United Nations system so as to ensure high-quality inputs without placing undue strain on Member States;

(*f*) It must be ensured that the Conference and related preparations do not adversely affect other ongoing activities;

21. *Encourages* the active participation of all major groups, as identified in Agenda 21 and further elaborated in the Johannesburg Plan of Implementation and decisions taken at the eleventh session of the Commission, at all stages of the preparatory process, in accordance with the rules and procedures of the Commission as well as its established practices related to the participation and engagement of major groups;

22. *Invites* relevant stakeholders, including organizations and bodies of the United Nations, international financial institutions and major groups involved in the area of sustainable development, to provide ideas and proposals reflecting their experiences and lessons learned as a contribution to the preparatory process;

23. *Decides* that a preparatory committee will be established within the framework of the Commission to carry out the preparations for the United Nations Conference on Sustainable Development, which will provide for the full and effective participation of all States Members of the United Nations and members of the specialized agencies, as well as other participants in the Commission, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council and the supplementary arrangements established for the Commission by the Council in its decisions 1993/215 of 12 February 1993 and 1995/201 of 8 February 1995;

24. *Invites* regional groups to nominate their candidates for the ten-member Bureau of the Preparatory Committee no later than 28 February 2010 so that they can be involved in its preparations in advance of the first session of the Preparatory Committee;

25. *Decides* that:

(*a*) The first meeting of the Preparatory Committee will be held in 2010 for three days, immediately after the conclusion of the eighteenth session and the first meeting of the nineteenth session of the Commission to discuss the substantive

themes of the Conference, as decided in accordance with the present resolution, and pending procedural matters, as well as to elect the Bureau;

(*b*) The second meeting of the Preparatory Committee will be held in 2011 for two days immediately after the conclusion of the Intergovernmental Preparatory Meeting for the nineteenth session of the Commission to discuss further the substantive themes of the Conference;

(*c*) The third and final meeting of the Preparatory Committee will be held in Brazil in 2012 for three days to discuss the outcome of the Conference, immediately preceding the United Nations Conference on Sustainable Development, which will also be held for three days. In this regard, the Commission will postpone its multi-year programme of work for one year;

(*d*) Regional implementation meetings will become regional preparatory meetings for the Conference in 2011;

26. *Requests* the Secretary-General to submit a report on progress to date and remaining gaps in the implementation of the outcomes of the major summits in the area of sustainable development, as well as an analysis of the themes identified above, to the Preparatory Committee at its first meeting;

27. *Also requests* the Secretary-General to provide all appropriate support to the work of the preparatory process and the Conference, ensuring inter-agency participation and coherence as well as the efficient use of resources;

28. *Encourages* international and bilateral donors and other countries in a position to do so to support the preparations for the Conference through voluntary contributions to the Commission's trust fund and to support the participation of representatives of developing countries, and invites voluntary contributions to support the participation of major groups of developing countries in the regional and international preparatory processes and the Conference itself;

29. *Decides* to include in the provisional agenda of its sixty-fifth session the sub-item entitled "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development", and requests the Secretary-General, at that session, to submit a report on the implementation of the present resolution, including on the progress of the preparations for the United Nations Conference on Sustainable Development.

68th plenary meeting
24 December 2009

General Assembly

Distr.: General
31 March 2010

Sixty-fourth session
Agenda item 55 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Second Committee (A/64/422/Add.2)*]

64/237. Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007 and 63/226 of 19 December 2008,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Recognizing also that supportive domestic legal systems are essential in preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets,

Recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures consistent with the Convention, in particular chapters II and III,

Acknowledging the important progress made towards the implementation of chapter V of the Convention, but recognizing that States parties continue to face challenges in asset recovery owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures of other States and difficulties in identifying

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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the flow of proceeds of corruption, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are, or have been, entrusted with prominent public functions and their family members and close associates,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Convinced that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential,

Convinced also that a stable and transparent environment for national and international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources, and recognizing that effective efforts at all levels to prevent and combat corruption in all its forms in all countries are essential elements of an improved national and international business environment,

Mindful of the very important role that the private sector can play in fostering economic growth and development and of the active involvement of the United Nations system in facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability,

Recognizing the concern about the laundering and the transfer of assets of illicit origin derived from corruption, and stressing the need to address this concern consistent with the Convention,

Determined to prevent, detect and deter, in a more effective manner, international transfers of illicitly acquired assets and to strengthen international cooperation through the commitment of Member States to effective national and international action,

Concerned about the links between corruption in all its forms, including bribery, corruption-related money-laundering and the transfer of assets of illicit origin, and other forms of crime, in particular organized crime and economic crime,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the Convention, in particular chapter V, so as to enable countries to design and fund development projects in accordance with their national priorities, in view of the importance that such assets can have to their sustainable development,

1. *Takes note* of the report of the Secretary-General;[2]

2. *Welcomes* the significant number of Member States that have already ratified or acceded to the United Nations Convention against Corruption,[1] and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to

[2] A/64/122.

consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, consistent with the Convention;

4. *Urges* Member States to combat and penalize corruption in all its forms as well as the laundering of proceeds of corruption, to prevent the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the Convention, particularly chapter V;

5. *Condemns* corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

6. *Welcomes* the conclusion of the third session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha from 9 to 13 November 2009, and requests the Secretary-General to transmit to the General Assembly a report on the third session of the Conference of the States Parties to the Convention;

7. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, consistent with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

8. *Welcomes* the successful outcome of the third session of the Conference of the States Parties to the Convention, especially the establishment by consensus of a review mechanism for the implementation of the Convention, and calls upon States parties to fully implement the outcomes of the Conference;

9. *Calls*, in particular, for the rapid and effective implementation of the mechanism for the review of implementation of the Convention by all States parties, and, where appropriate, relevant stakeholders, in accordance with the terms of reference of the mechanism;

10. *Takes note with appreciation* of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, Technical Assistance and Review of the Implementation of the United Nations Convention against Corruption and the open-ended dialogue with international organizations, including the Institutional Integrity Initiative, and calls upon States parties to the Convention to support the work of the newly established Implementation Review Group, including its work on technical assistance, and the newly established Open-ended Intergovernmental Working Group on Prevention of Corruption, as well as the continuing work of the Open-ended Intergovernmental Working Group on Asset Recovery;

11. *Also takes note with appreciation* of the decision of the Conference of the States Parties to the Convention to accept the offer by the Governments of Morocco and Panama to host its fourth and fifth sessions in 2011 and 2013, respectively;

12. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including in accordance with the Convention, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the

national level and, in accordance with domestic laws and policies, at the local level, to prevent and combat corruption;

13. *Affirms* the need for Member States, consistent with the Convention, to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, consistent with the Convention;

14. *Urges* all Member States, consistent with the Convention, to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

15. *Stresses* the importance of mutual legal assistance, and encourages Member States to enhance international cooperation, consistent with the Convention;

16. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, consistent with the principles of the Convention, and in this regard encourages close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units;

17. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the new mechanism for the review of implementation of the Convention is adequately funded, in line with the resolution adopted by the Conference of the States Parties;[3]

18. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

19. *Takes note* of the holding of the sixth Global Forum on Fighting Corruption and Safeguarding Integrity on the theme "Strength in unity: public-private partnership to fight corruption" in Doha on 7 and 8 November 2009;

20. *Requests* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery in accordance with chapter V of the Convention, consistent with the principles of the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

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[3] CAC/COSP/2009/15, sect.I.A., resolution 3/1.

21. *Takes note with appreciation* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank, takes note of its cooperation with relevant partners, including the International Centre for Asset Recovery, and encourages coordination among existing initiatives;

22. *Takes note* of the partnership between the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the Government of Austria, with the support of the European Anti-Fraud Agency to establish the International Anti-Corruption Academy, to serve as a centre of excellence for education, training and academic research in the field of anti-corruption, including in the area of asset recovery;

23. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-fifth session, a report on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the Convention;

24. *Decides* to include in the provisional agenda of its sixty-fifth session, under the item entitled "Globalization and interdependence", the sub-item entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption".

68th plenary meeting
24 December 2009

United Nations A/RES/64/238

General Assembly

Distr.: General
26 March 2010

Sixty-fourth session
Agenda item 69 (c)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.3)]

64/238. Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 63/245 of 24 December 2008, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 10/27 of 27 March 2009[3] and 12/20 of 2 October 2009,[4]

Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the Security Council statements to the press of 22 May 2009 and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar,[7] as well as his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and on 26 and 27 June 2009 respectively, while regretting that the Government of Myanmar

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[4] See A/HRC/12/50, part one, chap. I.

[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007–31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/64/334.

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did not seize the opportunity of those visits to work towards the fulfilment of the good offices mission,

Welcoming further the reports of the Special Rapporteur on the situation of human rights in Myanmar[8] and his oral presentations, and the fact that a date has now been established for a follow-up visit by the Special Rapporteur,

Deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been met, and emphasizing that, without significant progress towards meeting these calls of the international community, the situation of human rights in Myanmar will continue to deteriorate,

Deeply concerned also at restrictions to effective and genuine participation of the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including some ethnic groups, in a genuine process of dialogue, national reconciliation and transition to democracy,

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes, and to take immediate steps to ensure a free and fair electoral process which is transparent and inclusive, leading to a genuine democratic transition through concrete measures,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses grave concern* at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi, resulting in her return to house arrest, and calls for her immediate and unconditional release;

3. *Urges* the Government of Myanmar to release all prisoners of conscience, currently estimated at more than 2,000, without delay, without conditions and with full restoration of their political rights, while noting the recent release of more than 100 prisoners of conscience, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance, and to desist from further politically motivated arrests;

4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, notes with appreciation recent contact between the Government of Myanmar and Daw Aung San Suu Kyi, and calls on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties and ethnic groups, and to permit Daw Aung San Suu Kyi contact with the National League for Democracy and other domestic stakeholders;

5. *Strongly urges* the Government of Myanmar to ensure the necessary steps to be taken towards a free, fair, transparent and inclusive electoral process and calls on the Government to take such steps without delay, including by enacting the required electoral laws and allowing the participation of all voters, all political parties and all other relevant stakeholders in the electoral process;

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[8] A/64/318 and A/HRC/10/19.

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship;

7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, and strongly calls upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes;

8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, while recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of the opposition from the process;

9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

11. *Expresses deep concern* about the resumption of armed conflict in some areas, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human

rights law and international humanitarian law and to hold them accountable for any violations thereof;

16. *Welcomes* the dialogue between the Government of Myanmar and the Committee on the Elimination of Discrimination against Women on the occasion of the consideration of the Government's report in November 2008, as a sign of engagement in international cooperative efforts in the field of human rights, and encourages the Government to work to fulfil the recommendations of the Committee;

17. *Calls upon* the Government of Myanmar to consider acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

18. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

19. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

20. *Notes with appreciation* that some further steps have been taken with regard to the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, but expresses grave concern at the continuing practice of forced labour, and urges the Government to continue to work with the International Labour Organization on the basis of the understanding, including through awareness-raising activities, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing the recommendations of the Commission of Inquiry of the International Labour Organization;

21. *Notes* the continued cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and in the light of ongoing humanitarian need encourages the Government of Myanmar to ensure that cooperation is maintained, and the continuation of the Tripartite Core Group mechanism;

22. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons;

23. *Also calls upon* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and to allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

24. *Welcomes* the progress reported on the work conducted by the Government of Myanmar and international humanitarian entities on HIV/AIDS;

25. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar,[1] and urges the Government of Myanmar to cooperate fully with the good offices mission in the fulfilment of its responsibilities as mandated by the General Assembly, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant parties, including the highest level of leadership within the regime, human rights defenders, representatives of ethnic minorities, student leaders and other opposition groups, and to respond substantively and without delay to the five-point plan of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

26. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General, and in relief efforts following Cyclone Nargis, and encourages the continuation and intensification of efforts in this regard;

27. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar to facilitate the work of the good offices mission;

28. *Welcomes further* the favourable response to granting the Special Rapporteur's requests to visit the country, and urges the Government to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

29. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

30. *Requests* the Secretary-General:

(*a*) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard;

(*b*) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(*c*) To report to the General Assembly at its sixty-fifth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

31. *Decides* to continue the consideration of the question at its sixty-fifth session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

68th plenary meeting
24 December 2009